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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Cottone et al.
Serial No. : 09/862,690
Filed : May 22, 2001
For : SELF-EXPANDING STENT
Examiner : Jessica R. Baxter
Group Art Unit : 3731

I hereby certify that this paper is
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Richard J. Sterner

35,372

Agent Name

PTO Reg. No.

June 18, 2003

Signature

Date of Signature

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Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181 TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

This is in response to the Notice of Abandonment mailed
June 3, 2003 and as a follow-up to the June 17, 2003 telephone
discussion between the Examiner and Applicants' agent.

On April 3, 2003, Applicants submitted via facsimile a response to the October 3, 2002 Office Action. A copy of the transmission report showing successful transmission of the 9-page document to 703-305-3590 is provided herewith.

On April 30, 2003, a PTO representative (not Examiner Webb, the Examiner then handling the application) called to advise that no response was present in the PTO file and to inquire if Applicants had submitted such. The PTO representative was informed that Applicants had timely filed a response. In response to the representative's request, the response was re-transmitted, to a new facsimile number (703-746-5570) designated by the representative. Also provided herewith is a copy of the transmission report indicating successful transmission to that number on April 30, 2003 of 10 pages comprising the response originally submitted on April 3, 2003 and proof of its successful transmission on that date.

Despite all of Applicants' efforts, a Notice of Abandonment, alleging Applicants' failure to timely respond to the outstanding Office Action, was mailed on June 3, 2003. In the June 17th telephone discussion, the new Examiner now responsible for this application, Examiner Baxter, confirmed that neither transmission of Applicants' response had been matched up with the PTO file. Accordingly, Applicants provide

herewith yet another copy of the Amendment originally submitted on April 3, 2003.

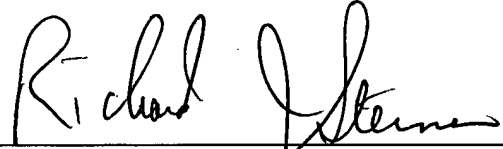
Applicants wish further to point out that a Supplemental Information Disclosure Statement was submitted on May 13, 2003. Given the recent problems with this application and the fact that a June 18, 2003 check of the PTO PAIR system for the application did not indicate receipt of the IDS, Applicants are also providing herewith a copy of that IDS, including Form PTO-1449. Additional copies of the 18 references submitted on May 13th are not being provided herewith; should it be determined with certainty at a later date that the May 13, 2003 IDS and accompanying references were in fact also irretrievably lost, Applicants will consider supplying additional copies of the cited references.

Applicants have provided sufficient proof herein of their timely response to the Office Action and their follow-up re-transmission of the response. Accordingly, the holding of abandonment by the PTO is inappropriate, and it is respectfully requested that the holding of abandonment be withdrawn and prosecution of the application be resumed taking into account Applicants' timely response.

No fee should be due in connection with this communication. However, should it be determined that a fee is required for any reason, the Commissioner is hereby authorized to charge it to Deposit Account No. 23-1703.

Dated: June 18, 2003

Respectfully submitted,



Richard J. Sterner
Reg. No. 35,372
Agent for Applicants

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Enclosures